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PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:** Cefali, Eugenio  
**Serial No.:** 08/962,421  
**Filing Date:** 31 October 1997  
**Docket Number:** 50454-56103USCIP3  
**Title:** INTERMEDIATE RELEASE NICOTINIC ACID COMPOSITIONS FOR  
TREATING HYPERLIPIDEMIA WHICH EXHIBIT AN IN VIVO STAIR-  
STEPPED ABSORPTION CURVE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application are the following documents:

1. Response to the Office Action mailed December 30, 2005;
2. Declaration under 37 C.F.R. 132; and
3. Return Postcard.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

KOS PHARMACEUTICALS, INC.

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Date: 3/14/06

<p><b>CERTIFICATION UNDER 37 C.F.R. §1.10</b> I hereby certify that the attached papers are being deposited with the United States Postal service as: Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on <u>3/15/2006</u> and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><u>ED9164289015 US</u> Express Mail Label Number</p> <p><u>T. Oscar Espinosa</u> T. Oscar Espinosa</p>
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